



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TREVOR FRITZ, ET AL.,
Plaintiff,
v.
TINA PARKER, ET AL.,
Defendants.

Case No. CV 13-6260 UA (DUTYx)

**ORDER SUMMARILY
REMANDING IMPROPERLY-
REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On August 26, 2013, Defendant Tina Parker, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action in this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiffs could not have brought this action in federal court in

1 the first place, in that Defendant does not competently allege facts supplying either
2 diversity or federal-question jurisdiction, and therefore removal is improper. 28
3 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,
4 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete diversity of
5 citizenship exists, the amount in controversy does not exceed the diversity-
6 jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
7 contrary, the unlawful-detainer complaint recites that the amount in controversy
8 does not exceed \$10,000. Moreover, because Defendant resides in the forum state,
9 Defendant cannot properly remove the action, to the extent diversity jurisdiction is
10 asserted. 28 U.S.C. § 1441(b).

11 Nor does Plaintiffs' unlawful detainer action raise any federal legal question.
12 *See* 28 U.S.C. §§ 1331, 1441(b).

13 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
14 Superior Court of California, County of Los Angeles, Northeast District, Pasadena
15 Courthouse, 300 E. Walnut Ave., Pasadena, CA 91101, for lack of subject matter
16 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy
17 of this Order to the state court; and (3) that the Clerk serve copies of this Order on
18 the parties.

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20 IT IS SO ORDERED.

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22 Dated: 8/30/13

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24 _____
25 GEORGE H. KING
26 CHIEF UNITED STATES DISTRICT JUDGE
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